THE HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY

WRIT PETITION No. 22196 of 2007

Dated: 17.10.2007

Between:

Raja Sagi Buchi Venkayamma and another

… Petitioners

AND

District Collector, Vizianagaram District,
Vizianagaram and two others

… Respondents

THE HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY

WRIT PETITION No.22196 of 2007

O R D E R :

This writ petition is filed for a writ of mandamus to declare the action of the respondents in seeking to demolish the buildings on land admeasuring 513.33 square yards situated in T.S.No. 1048/1, Block No. 26, bearing door No. 8-10-63 and 64 of Santhapet, Vizianagaram Town and District and 125.50 square yards situated in T.S. No. 1048/1, Block No.26, Door No. 8-1-45 of Santhapet, Vizianagaram Town and District as illegal and unconstitutional. The petitioners also sought for a mandatory direction to the respondents not to demolish the said properties.

From the averments contained in the affidavit filed in support of the writ petition, it is evident that consequent on certain orders passed by a Division Bench of this Court in Writ Petition No. 2493 of 2006 filed in public interest, respondent No.3 issued notice dated 25-9-2007 under Section 7 of the Andhra Pradesh Land Encroachment Act, 1905 (for short, 'the Act'), wherein the petitioners were called upon to show cause as to why the properties in dispute which are described as located in a tank shall not be demolished. In response to the said notice, the petitioners filed their reply on 14-10-2007.

Having submitted their reply, the petitioners filed the present writ petition mainly on the ground that the notice issued under Section 7 of the Act is vague and bereft of necessary details.

Heard Sri P. Venugopal, learned counsel representing Sri S.V.R. Subrahmanyam. Admittedly, the petitioners sent their reply in response to the notice issued under Section 7 of the Act. If the petitioners feel that necessary details are not contained in the notice, it

is always open to them to seek supply of such details. It is not the case of the petitioners that respondent No.3 has no jurisdiction to issue the notice under Section 7 of the Act. Since respondent No.3 had exercised the statutory powers vested in him, it is not proper for this Court to interdict further action by him. If after consideration of the explanation of the petitioners, an order adverse to their interest is passed, it is always open to the petitioners to avail the remedies available to them in law. Therefore, I am not inclined to entertain this writ petition at this stage as it is premature.

Sri P. Venugopal, however, submitted that the petitioners apprehend that even before an order under Section 6 of the Act is passed, the respondents may take action for demolition of the properties. Though no such averments are made in the affidavit, in view of the submission made by the learned counsel, it is made clear that the respondents shall not interfere with or demolish the properties in dispute, till the final orders are passed by respondent No.3 under Section 6 of the Act.

Subject to the above, the writ petition is dismissed.

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C.V.NAGARJUNA REDDY, J

Date: 17.10.2007
Va/ks